

Chapter 7 ELECTRICITY*

Art. I. In General, §§ 7-1 - 7-25

Art. II. City Electrician, §§ 7-26-60

Art. III. Prohibitions And Regulations, §§ 7-61 - 7-82

*Cross reference-Buildings and building regulations, Ch. 5.

State law references-Telephone and telegraph companies, M.G.L. c. 166, §§ 1 - 20; wires and poles, M.G.L. c. 166, §§ 21-2.

ARTICLE I. IN GENERAL

Secs. 7-1 - 7-25. Reserved.

ARTICLE II. CITY ELECTRICIAN*

Sec. 7-26. Appointment.

The city electrician shall be appointed by the mayor subject to confirmation by the City Council in accordance with chapter 231 of the Acts of 1936 and subject to the civil service laws and its rules and regulations.

(Rev. Ords. 1973, § 7-1)

Sec. 7-27. Designated inspector of wires.

The city electrician is hereby designated as inspector of wires, under the provisions of M.G.L. chapter 166, section 32.

(Rev. Ords. 1973, § 7-2)

Sec. 7-28. Powers and duties as inspector of wires.

As inspector of wires the city electrician shall have all the powers and be subject to all the duties conferred and required by law.

(Rev. Ords. 1973, § 7-3)

Sec. 7-29. Report to City Council.

The city electrician shall annually in January make a report to the City Council containing a statement in summary of the expenses of his department, an estimate in detail of the property under his charge, an account of his official doings and such further facts and information and such recommendations concerning his department as he may deem necessary for the interest of the city.

(Rev. Ords. 1973, § 7-4)

Cross reference-City Council, § 2-26 et seq.

*Cross reference-Officers and employees, § 2-126 et seq.

State law reference-Powers and duties of city inspector of wires, M.G.L. c. 166, § 32.

Sec. 7-30. Appointment of assistants.

The city electrician is hereby authorized to appoint one (1) or more assistants, as the duties of the office require.

(Rev. Ords. 1973, § 7-5)

Sec. 7-31. Contracts for supplies and material.

The city electrician shall contract for and purchase all supplies and material for his department, in a sum not exceeding four thousand dollars (\$4,000.00). All contracts for supplies and material for his department, in a sum exceeding four thousand dollars (\$4,000.00) shall be made by the committee on public service and aid. No advertising for bids for such contracts shall be made by the committee without the written request of the city electrician and the committee shall so advertise forthwith when requested to do so.

(Rev. Ords. 1973, § 7-6)

Charter reference-Contracts generally, § 45.

Sec. 7-32. Records of contracts and purchases, expenditures, etc.

The city electrician shall keep a record of all of his proceedings and doings, all his receipts which shall be paid to the treasurer monthly, the names of all persons who have furnished supplies and material and of all subordinates, employees and workmen and a detailed inventory of all the property of his department. (Rev. Ords. 1973, § 7-7)

Sec. 7-33. Transmitting account.

The city electrician shall monthly transmit all accounts against his department to the committee on public service and aid for its approval.

(Rev. Ords. 1973, § 7-8)

Sec. 7-34. Inspection of posts and poles, etc.; unsafe poles, posts, etc.

The city electrician shall as frequently as practicable thoroughly inspect the condition of all posts carrying the electric wires upon or over the streets and buildings within the city, and all supports of all wires when attached to buildings, and ascertain if such posts and supports are kept in proper condition and not weakened by decay or other causes; and in case any person owning, leasing or operating wires shall neglect or refuse to maintain such supports in proper condition for safety, the city electrician shall cause such fixtures and supports to be put in proper condition at the expense of the person owning or operating the same, after first giving the person due notice in writing of his intended action. The city electrician may require the person owning or using such poles, supports or fixtures to furnish to him at the expense of such person, adequate assistance to enable him to make a thorough examination of such poles, supports or fixtures.

(Rev. Ords. 1973, § 7-9)

Cross reference-Streets, highways and bridges, § 20-86 et seq.

Sec. 7-35. Supervision of wires generally; notice when unsuitable or unsafe.

The city electrician shall supervise every wire over and under streets, of buildings in the city, and every wire within a building which is designed to carry any electric current; and shall promptly notify the person owning or operating any such wire whenever its attachment, insulation, supports or appliances are unsuitable or unsafe, or whenever the tags or marks thereon required by section 32 of chapter 166 of the General Laws are insufficient or illegible. (Rev. Ords. 1973, § 7-10)

Sec. 7-36. Making appliances and apparatus safe; access to premises for inspection.

All wires, cables, conduits, raceways, fittings, appliances and apparatus in or on public or private property which are intended for the transmission of electricity, whether for insulation, lighting, heating or power or to be connected with an outside circuit, shall be made, placed and kept safe to the satisfaction of the city electrician and he may at all proper and reasonable times have access to such property for the purpose of inspecting such equipment and materials. (Rev. Ords. 1973, § 7-11)

Sec. 7-37. Removal of wires; enforcement of ordinances and regulations; other duties.

The city electrician shall remove every wire, the use of which has been abandoned and every wire not tagged or marked by law as required, and shall see that all laws, ordinances and regulations relative to wires are strictly enforced, and shall perform such other duties as are or may hereafter be imposed upon him by law or by order, or by ordinances of the City Council. (Rev. Ords. 1973, § 7-12)

Sec. 7-38. Care, supervision and management of wires, posts, etc., owned by city.

The city electrician shall have the care, supervision and management of the erection and maintenance of all wires owned by the city, including the fire alarm, telegraph, police, and electrical signal and telephone systems; the apparatus, machinery and other property connected therewith; and the posts and other supports erected or owned by the city. He shall set up and supervise the erection of all wires, posts, supports, electrical equipment, machinery and other electrical equipment appliances required by the city in all departments and shall see that the same are maintained in good order and condition. (Rev. Ords. 1973, § 7-13)

Sec. 7-39. Streetlights.

The city electrician shall have the supervision of all streetlights installed by order of the City Council. He shall attend to all complaints arising from lack of service by any light, and shall see that continuous schedule service is maintained throughout the city. (Rev. Ords. 1973, § 7-14)

Cross reference-Streets, highways and bridges, § 20-86 et seq.

Sec. 7-40. Permits required.

(a) In no case shall a current of electricity be connected with a system of wiring or apparatus intended to be used for power, lighting or heating without permission being first obtained and a written permit granted by the city electrician. The jurisdiction of the city electrician shall include all public and private electrical systems that are now and may be hereafter installed in the city.

(b) No person shall change the position or make additions to any wiring system, or install any new work or electrical apparatus without first obtaining written permission from the city electrician. He shall be given full opportunity to inspect the same before the work is completed and when any electric wires designed to carry any electric light, heat or power current are to be concealed, a written permit shall be obtained from the city electrician. He shall give written permission and approval for all such work and connections, immediately, unless in his judgment such apparatus or wiring endangers life or property or is not in accordance with the laws of the Commonwealth and these ordinances or any rule or regulation adopted by virtue thereof.

(c) No person shall cover or cause to be covered in any building a system of wiring designed to carry light, heat or power current, unless a written permit is issued therefor by the city electrician after inspection by him.

(Rev. Ords. 1973, §§ 7-15 - 7-17)

Sec. 7-41. Permit fees.

The following fees for electrical permits shall be payable at the office of the city electrician at the time of application therefor:

(1) New construction or remodeling where building permit is required. Three dollars(\$3.00) per one thousand dollars (\$1,000.00) or fraction thereof as shown on building permit cost of construction with a minimum of Twenty dollars (\$20.00) for all permits.

(2) Rewiring, replacing, additions or new wiring where no building permit is required:

a. Residential: Twenty dollars (\$20.00) for each permit (service, fixtures, heat, power and/or appliances).

b. Commercial and/or industrial where no building permit is required: twenty dollars (\$20.00) for each permit (service, fixtures, heat, power and/or appliances) plus fifty cents (\$0.50) per KW, KVA, or HP total rating or fraction thereof of equipment. (Rev. Ords. 1973, § 7-18. Ord. No. 190, 6-23-97)

Sec. 7-42. Records of inspections and permits.

The city electrician shall keep records of all inspections made and permits issued, and these records shall be open to inspection at all reasonable times by any interested parties.

(Rev. Ords. 1973, § 15-6)

Sec. 7-43. Prior installation of gas, water, etc., pipes and ducts.

No wires shall be placed in that portion of any building in the process of alteration or construction where gas, water, heating, refrigerating and ventilating pipes and ducts are planned to be installed until the same have been placed in proper position. The work of the electrician shall not at any time precede the installation of the above mentioned items unless it is shown that it is an emergency and a written permit is obtained from the city electrician therefor.

Sec. 7-44. Rules and regulations for safe and proper installation.

The city electrician may make such rules and regulations as to provide safe and proper installation of wiring systems, apparatus and materials both for outside and inside construction. (Rev. Ords. 1973, § 7-21)

Sec. 7-45. Disconnecting service for violations.

The city electrician may, in case of the violation of any provision of this chapter, or of any rule and regulation adopted by him, disconnect or order disconnected service from the wires of any outside circuit or isolated plant where such violation occurs. (Rev. Ords. 1973, § 7-22)

Sec. 7-46. Liability for damages not changed.

This chapter shall not be construed to relieve or lessen the responsibility of any party owning, operating or controlling any electrical equipment, for damages to property or to anyone injured by reason of any defect therein, nor shall the city be held as assuming such liability by reason of the inspection authorized herein, or by permit given by its officers or agents exercising the rights or power given in this chapter. (Rev. Ords. 1973, § 7-23)

Secs. 7-47 - 7-60. Reserved.

ARTICLE III. PROHIBITIONS AND REGULATIONS

Sec. 7-61. Plans for locations to be filed with city clerk.

Any person that petitions for location of electric or other wires, poles, ducts, conduits or manholes upon, over, through or under any public ways or over any building shall, when such petition is filed in the office of the city clerk, also file a plan showing the street and number or if there is no number the exact proposed location of such electric or other wires, poles, ducts, conduits or manholes, upon, over, through or under any public way or over any building in the city. (Rev. Ords. 1973, § 7-24)

Sec. 7-62. Permit from City Council for erection of posts and poles.

No telegraph, telephone or electric light company or any other corporation or person shall erect any post or poles to support wires or lines for the transmission of electricity in any public way or grounds, except by order of the City Council, previously obtained, which shall set forth the exact location of such post or pole proposed to be erected.

(Rev. Ords. 1973, § 7-25)

Cross reference-Licenses and business regulations, Ch. 12.

Sec. 7-63. Acceptance of location of poles, conduits or fixtures.

(a) Whenever permission shall be granted by the City Council to erect and maintain poles, or to construct conduits or other fixtures in the public ways, bridges or grounds, to support or carry lines, telephone wires or for the transmission of electricity, the person to whom such permission is granted shall, within thirty (30) days from the date of the order granting such permission, file in the office of the city clerk, a written acceptance of the location of such poles, conduits or other fixtures, and the conditions upon which the permission has been granted, and in default thereof such grant shall be null and void.

(b) Such person may, however, at his election, file in the office of the city clerk a general acceptance of the location of poles, conduits or other fixtures, and conditions upon which permission may be granted by the City Council from time to time to the person, and such acceptance shall constitute an acceptance of each of such orders, unless such person shall advise the city clerk in writing within thirty (30) days from the date of the order, of his refusal to accept the locations and conditions of a specific order.

(Rev. Ords. 1973, § 7-26)

Sec. 7-64. Removal of conduits and wires when required by city work; at owner's expense.

Whenever the city shall construct, enlarge, relocate, repair or alter the streets, ways or bridges, or the sewers, water pipes or other public works, in such streets, ways and bridges where conduits and wires are laid, which conduits and wires in the opinion of the City Council should be removed or changed in respect to their location, such removal or change shall be made without delay at the expense of the person owning or operating the same.

(Rev. Ords. 1973, § 7-27)

Sec. 7-65. Permit from city electrician for attaching wires to trees, buildings, erections or fixtures.

No wire or line for the transmission of electricity for any purpose shall be attached to any tree, building, erection or fixture of any kind, in any public way or grounds by cross-arms or otherwise, except by permission in writing of the city electrician, previously obtained, in which such tree, building, erection or fixture shall be described.

(Rev. Ords. 1973, § 7-28)

Cross reference-Trees generally, Ch. 23.

Sec. 7-66. Hearing on petitions.

Every petition presented to the City Council for permission to erect posts to support wires or lines, or to attach wires or lines to trees or other fixtures, for the transmission of electricity for any purpose, shall be accompanied with or contain a statement of the exact location of each post proposed to be located, and of each tree, fixture or building to which it is desired to attach such wires or lines. The City Council, or in its discretion a committee thereof, shall give a hearing on every petition to all parties interested, except as to the attachment of wires and lines to fixtures other than trees. Notice of such hearing shall be given by the city clerk at the expense of the petitioners to all persons owning or occupying land along the line of the proposed location. Notice shall state briefly the streets or ways, and parts thereof, and the lands to which such petition relates, and shall be served by leaving an attested copy thereof at the last and usual place of abode or business of each person, or by sending the same through the mail postpaid and directed to each such person. Such further notice shall be given to any parties interested as the City Council may direct.

(Rev. Ords. 1973, § 7-29)

State law reference-Written petition required to City Council for permission to construct lines affecting public ways and public hearings thereon, M.G.L. c. 166, §§ 22, 22A.

Sec. 7-67. Quality and height of posts and poles.

None but sound, reasonably straight, well-formed posts, smooth and free from decay, of quality satisfactory to the city electrician, shall be erected and maintained in any public way, bridge or grounds. Wooden poles shall be of chestnut, cedar or hard pine, shall be not less than twenty-five (25) feet above the ground and shall be set to a depth not less than five (5) feet, and, on corners or dead ends where impracticable to guy, shall be set in concrete or keyed, and the name of the company, corporation or person owning the pole and the number thereof shall be distinctly attached thereto by means of a metal tag.

(Rev. Ords. 1973, § 7-30)

Sec. 7-68. Manner of setting posts; painting.

All posts erected and maintained in the public ways for the support of wires and other lines for transmission of electricity shall as nearly as practicable be set and maintained in a perpendicular position, of as uniform height as practicable, and in line with the street or way, and shall be kept properly painted by the owners thereof, in such colors and manner as the city electrician may from time to time direct.

(Rev. Ords. 1973, § 7-31)

Sec. 7-69. Removal of abandoned poles and wires.

When poles have been abandoned by the owners thereof, they shall remove them, unless it is positively known that they will again use them within ninety (90) days. Wires owned by others on such poles shall be removed unless the owners of such wires assume the ownership of such poles, the same to be transferred to them by the original owner by grant of the City Council.

(Rev. Ords. 1973, § 7-32)

Sec. 7-70. Time of bringing new poles on street and removal of old poles.

Except by permission of the city electrician, new poles shall not be brought on any street more than two (2) days in advance of the time they are to be set, and when old poles are taken down, they shall be removed from the street on the same day.

(Rev. Ords. 1973, § 7-33)

Sec. 7-71. Manner of replacing poles.

When renewing poles, the butt of the old pole shall be removed and the new pole set in the identical or adjacent location, and the surface of the ground around the pole shall be leveled off, filled in with material of the same kind as the ground around the pole and left clear of all material and rubbish. When removing or relocating poles that are set in the curbline so that a space is left open in or between the existing curb, such shall be refilled with cement or concrete, or with granite curbing if the Director of Public Services so requires.

(Rev. Ords. 1973, § 7-34)

Sec. 7-72. Removal of old poles.

When replacing poles, the old pole shall be removed within thirty (30) days after the new pole is set.

(Rev. Ords. 1973, § 7-35)

Sec. 7-73. Height of wires.

Except by permission of the City Council, no wire or other line for the transmission of electricity, except service wires and loops to buildings, shall be attached to any post or tree or other fixture nor run along any public way or street at a height less than twenty (20) feet from the ground, and except by written permission from the city electrician, no post more than forty (40) feet above the ground shall be erected for the support of such wires and lines. Except by written permission from the city electrician, all wires from poles to buildings where crossing the street shall be at a height of not less than twenty (20) feet from the ground.

(Rev. Ords. 1973, § 7-36)

Sec. 7-74. Submission of plans for underground conduits to City Council.

Persons conducting a telegraph, telephone, electric light or power business may construct and maintain underground conduits for cables and wires, together with manholes and house connections, and erect and maintain distributing poles at the termini of conduits, at suitable distributing points, in such streets, in such manner, of such shape, size and material, and under such regulations as the City Council shall hereafter designate upon application. The application shall be accompanied by a plan showing the exact location of such conduits, manholes and poles. The City Council shall grant a hearing on the application in the manner provided in section 7-66.

(Rev. Ords. 1973, § 7-37)

Sec. 7-75. Permit for change of underground conduits.

Whenever underground conduits have once been laid in the streets and ways of the city, they shall not be removed, relocated or changed without permission from the City Council.

(Rev. Ords. 1973, § 7-38)

Cross reference-Licenses and business regulations, Ch. 12.

Sec. 7-76. Permission to tear up streets; restoration.

No street, way or bridge shall be torn up or disturbed for the purpose of laying lines, wires or conduits or erecting, altering or removing posts, poles or other fixtures used for carrying electric lines or wires without a permit first obtained from the City Council, indicating the time, manner and place of disturbance and the conditions under which such is permitted. No street, way or bridge shall be torn up or disturbed for the purpose of repairing, changing or removing lines, wires or conduits without a permit in writing first obtained therefor from the Director of Public Services. Whenever any opening or any disturbance is made in any street, way or bridge it shall be promptly restored by the person owning or operating the lines or wires to as good a condition as it was in before such disturbance or opening, in a manner satisfactory to the Director of Public Services. The portion of a street, way or bridge so opened or disturbed shall be kept in and maintained in such condition by such person for one (1) year thereafter, and if not immediately so restored, kept and maintained, the same may be done by the city at the expense of such person without previous notice of the intention to do so. (Rev. Ords. 1973, § 7-39)

Sec. 7-77. Reservations on poles for signaling systems; permits for brackets or side fixtures; setting close to curblines; distance from hydrants.

One (1) space on all poles in public streets or ways shall be reserved for fire alarm, police signal or other signaling systems belonging to the city, and used exclusively for municipal purposes. No line or wire shall be attached to any pole or post by means of brackets or other side fixtures except by written permission of the city electrician. On streets where curbstones are set, all poles shall be erected in the sidewalks as close as possible to the inside of the curblines, and where there are no curbstones erected, the curbline must be established before setting the poles. No pole shall be set within ten (10) feet of any hydrant.

(Rev. Ords. 1973, § 7-40)

Sec. 7-78. Reservation of space in underground conduits for city signal wires.

In any underground conduit system such sufficient and necessary space as shall be determined by the City Council shall be reserved free of expense for the use of fire, police and other telegraph and telephone signal wires belonging to the city, and used exclusively for municipal purposes; and the city, by its city electrician and other proper servants, shall be allowed access to the conduits at all times, and the city shall be allowed equal facilities and privileges with others using the same conduits in putting in, taking out and repairing wires. (Rev. Ords. 1973, § 7-41)

Sec. 7-79. Bond of person constructing electrical lines.

Every person constructing, maintaining or operating a telegraph, telephone or other electrical line in the city shall execute a bond, with surety satisfactory to the mayor, in a penal sum not less than ten thousand dollars (\$10,000.00), conditioned to indemnify and save harmless the city against all damage, cost, expense and loss whatsoever to which it may be subjected in consequence of the negligence of such persons, their agents, officers and servants in any manner arising from or growing out of the use and transmission of electricity, the privileges permitted by the city, and the construction, maintenance, operation and the use of lines, wires, cables, conduits, posts, poles, structures, constructions, fixtures and apparatus. The bond shall also be conditioned to fulfill all agreements with the city, all the lawful orders, conditions and obligations imposed by the City Council, and all obligations and duties required by law. A new bond of like import and with new surety may at any time be required by the city, which new bond shall be a strengthening bond, unless the surety on former bonds is expressly released from further liability by vote of the City Council.
(Rev. Ords. 1973, § 7-42)

Sec. 7-80. Trees not to be damaged.

No electric light, telephone or telegraph company shall destroy, cut or mutilate any of the trees located on any of the thoroughfares or public grounds of the city, except by written permission of the Director of Public Services or the City Arborist, or allow the insulation to become improper so as to endanger the lives of workmen or to injure trees on any of the thoroughfares or public grounds of the city.
(Rev. Ords. 1973, § 7-43)

Cross reference-Trees, generally, Ch. 23.

Sec. 7-81. Interference with television, radio and other communication circuits.

No person shall knowingly or wantonly operate or cause to be operated any machine, device, apparatus or instrument of any kind whatsoever within the city between the hours of 8:00 a.m. and 12:00 midnight, the operation of which shall cause reasonably preventable electrical interference with television, radio and other communication circuits reception, within the municipal limits; provided, however, that X-ray pictures, examinations or treatments may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with television, radio and other communication circuits reception and are not negligently operated. This section shall not be held or construed to embrace or cover the regulation of any transmitting, broadcasting or receiving instrument, apparatus or device used or useful in interstate commerce or the operation of which instrument, apparatus or device is licensed or authorized by or under the provisions of any act of the Congress of the United States. The city electrician and his duly authorized assistants shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting the installation and working of all apparatus coming within the terms of this section and it shall be unlawful for any person to interfere with the city electrician or his duly authorized assistants in making such inspection or to refuse to permit him or them to enter the premises for such purposes. (Rev. Ords. 1973, § 7-44)

Sec. 7-82. Permit required for outside antenna for radio, television, etc.

No person shall set up, install or maintain any outside antenna system for the purpose of operating television, radio or any other similar communications equipment without first having obtained therefor a written permit from the city electrician.

(Rev. Ords. 1973, § 7-45)